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ORIGIN & FUNCTIONS

Origins of the Department of the Environment began with Maryland's response to environmental threats to the oyster industry and to public health. Consequently, efforts were divided between State health and conservation agencies. Moreover, since pollution of water resources was apparent long before the invisible and insidious effects of air pollution were recognized, more State initiatives focused on water quality. Finally, because air and water freely move across boundaries drawn by man, work to maintain their quality is necessarily interjurisdictional. With interstate cooperation, Maryland environmental programs frequently have been shaped by federal mandates and funding.

Water Quality. Abundant rivers and streams supplied plentiful water and absorbed the wastes produced in colonial Maryland. Later, attention focused on the siltation of harbors, the condition of fisheries, and public health. The decline of shad and herring in the early 1800s was attributed to ships' wakes, dams, sedimentation, and land-clearing practices, yet by midcentury fishermen observed fish avoiding waters fouled by floating wastes. Unlike modern toxic chemicals, this debris was likely to be organic, a byproduct of small local industries, such as canneries, slaughterhouses, sawmills, or tanneries. In the contamination of water supplies, citizens became alarmed by the visible pollution of floating carcasses or sewage.

In Maryland, an early prohibition against contaminating a municipal water supply is found in legislation incorporating the Baltimore Water Company in 1808. Anyone willfully polluting a certain section of Jones Falls by "throwing any dead animals, or other impure substances, into the same, or by swimming, bathing, or washing clothes or the skins of any dead animals or other impure things therein, or by erecting any necessary or other nuisance so near the said water as to pollute the same . . ." was subject to a fine (Chapter 79, Acts of 1808). In 1874, throwing bodies or carcasses into the Potomac River, which supplied water to many Maryland communities as well as Washington, DC, was outlawed (Chapter 355, Acts of 1874). Though the law gave half the fine to the informer, enforcement was difficult. By 1886, it became a misdemeanor to pollute a drinking water supply anywhere in the State, subject to a fine and additional fines for each day the offense continued (Chapter 6, Acts of 1886). This statute also covered industrial pollution from factories, trades' establishments, slaughter-houses, and tanneries. It gave some authority to the State Board of Health which at the time undoubtedly lacked the resources for statewide action.

The first Maryland agency responsible for water quality was the State Board of Health, precursor of the Department of Health and Mental Hygiene. Created in 1874, the Board was to "make sanitary investigations and inquiries respecting the causes of diseases, especially of epidemics, the source of mortality and the effects of localities, employments, conditions, and circumstances on the public health . . ." (Chapter 200, Acts of 1874).

For most of the nineteenth century, the airborne theory of disease prevailed. To prevent epidemics, cities and towns drained swamps and low-lying areas where stagnant waters gave off noxious fumes. The odoriferous Baltimore harbor and surroundings had long been recognized as unhealthy; though some drainage reduced breeding grounds for mosquitoes, epidemics continued. Despite sewerage commissions in 1862, 1883, and 1893, Baltimore entered the twentieth century with no municipal sewerage system; wastes washed down the streets into the harbor and surrounding waters; "night soil" collected by contractors ultimately was dumped in or near Chesapeake Bay.